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Response to Restriction Requirement of 25 September 2003
Atty Docket 114402-5

REMARKS

The applicant notes that the Examiner has required restriction under the appropriate standard, that is, the standard set forth in PCT Rule 13.1, as the case is a PCT national stage entry.

In the restriction requirement, the Examiner has stated that the application contains two inventions, as follows:

Invention I Claims 1-10 and 15-39, drawn to a connecting element for joining two support members; and

Invention II Claims 11-14, drawn to a method for fitting a support member to a building construction by means of a connecting element.

The Examiner has reasoned that the claims designated as Invention II lack the special technical feature identified in Invention I as a "connecting element, which comprises a first and a second casing body with a through-hole in each casing body for receiving respective support members, and which casing bodies can be joined together via a joining section at a first end of each casing body, an opposing second end of each casing body being provided with a locking member for holding the support members fast." At the time of the Examiner's restriction requirement, that may have been correct. However, by amendment made above, the applicant has incorporated the special technical feature into claims 11-14. As a result, applicant asserts that Invention II now possesses the special technical feature and the restriction requirement is now moot.

Applicant notes that the amendments to claims 11-14 are made to obtain examination of the claims. Applicant reserves the right to re-present the method claims of claims 11-14 in their original form in a divisional application at a later time, if deemed appropriate.

Election of Invention


In spite of the applicant's belief that the restriction requirement is now moot, applicant elects to prosecute **INVENTION I**, as required by rule, if the Examiner still believes that restriction is proper. Because the applicant believes that the restriction requirement should be withdrawn, applicant does not cancel any claims to the non-elected invention.

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Please note that although the undersigned attorney is resident in the Columbus, Ohio, office of Hahn Loeser + Parks LLP, written correspondence regarding this matter should be made to the Akron, Ohio, address indicated below.

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Respectfully submitted,


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